



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ERIK ENCARNACION,

Plaintiff,

- against -

20E FRAME INC., et al.,

Defendants.
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21-CV-2021 (RWL)

ORDER ON SETTLEMENT

ROBERT W. LEHRBURGER, United States Magistrate Judge.

Before the Court is the Parties' joint request that the Court approve their settlement agreement in this case (the "Settlement Agreement"), a fully executed copy of which was submitted on October 13, 2021. (Dkt. 18.) This case is an action for money damages under the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 *et seq.* ("FLSA") and the New York Labor Law. A federal court is obligated to determine whether settlement of an FLSA case under the court's consideration is fair and reasonable and the subject of an arms-length negotiation, not an employer's overreaching. *See Cheeks v. Freeport Pancake House*, 796 F.3d 199 (2d Cir. 2015).

The Court has carefully reviewed the Settlement Agreement as well as the Parties' letter addressing whether the Settlement Agreement is fair and reasonable. Among other attributes, the release is limited to wage and hour claims, there is no confidentiality restriction, and the attorney's fee is reasonable. The Court also has taken into account, without limitation, all prior proceedings in this action; the attendant risks, burdens, and costs associated with continuing the action; the range of possible recovery; whether the

Settlement Agreement is the product of arm's length bargaining between experienced counsel or parties; and the possibility of fraud or collusion.

Considering all the circumstances, the Court finds that the Settlement Agreement is fair and reasonable and hereby is approved. The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', written over a horizontal line.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: October 13, 2021
New York, New York

Copies transmitted to all counsel of record.